



Neighborhood Notification

Open House Information

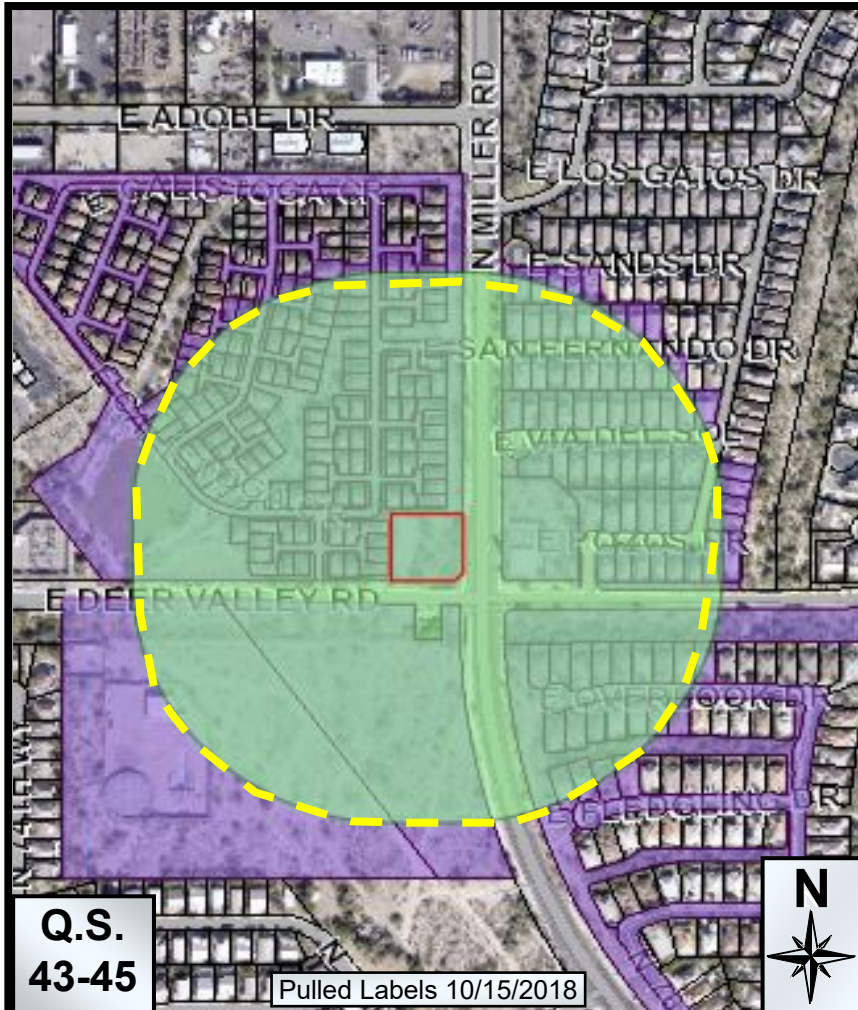
Citizen Comments

Affidavit of Posting

Site Sign

Legal Protest

# City Notifications – Mailing List Selection Map



## Map Legend:

- Site Boundary
- - - Properties within 750-feet
- 203 Postcards

## Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

**Deer Valley Townhomes**

**43-DR-2019**



LE CITY COUNCIL

# TY ANIK

voice for YOU

 [www.VoteJanik.com](http://www.VoteJanik.com)

Paid for by VOTE JANIK  
Approved by Betty Janik

## PUBLIC HEARING NOTICE

**REQUEST:** approval of a site plan, landscape plan, and building elevations for a new 9-unit townhome development, on a +/- 1.6-acre site.

**CASE#:** 43-DR-2019

**DATE:** August 20, 2020

HEARING DATE SUBJECT TO CHANGE  
PLEASE CHECK OUR WEBSITE FOR LATEST INFORMATION

UNLESS OTHERWISE NOTIFIED, ALL PUBLIC HEARINGS ARE HELD AT:  
SCOTTSDALE CITY HALL  
3939 N. DRINKWATER BLVD.

YOUR COMMENTS ABOUT THIS REQUEST CAN BE MADE PRIOR TO OR AT THE ABOVE PUBLIC HEARING. IF YOU WISH TO SPEAK AT THIS MEETING PLEASE ALLOW ENOUGH TIME TO FILL OUT A COMMENT CARD.



**480-312-7767**

**1:00 P.M.**  
DEVELOPMENT REVIEW BOARD

POSTING DATE: 8-12-2020

<https://eservices.scottsdaleaz.gov/bldgresources/Cases/>



# vo LITTL

## Scotts

### Keep Sco

Paid For By Vote Little  
 [www.VoteLittle.com](http://www.VoteLittle.com)



**From:** [DevelopmentReviewBoard@scottsdaleaz.gov](mailto:DevelopmentReviewBoard@scottsdaleaz.gov)  
**To:** [Berry, Melissa](#)  
**Subject:** Development Review Board Public Comment (response #109)  
**Date:** Thursday, August 20, 2020 9:04:57 AM

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## Development Review Board Public Comment (response #109)

### Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Development Review Board Public Comment
URL:	<a href="https://www.scottsdaleaz.gov/boards/development-review-board/public-comment">https://www.scottsdaleaz.gov/boards/development-review-board/public-comment</a>
Submission Time/Date:	8/20/2020 9:01:42 AM

### Survey Response

COMMENT	
Comment:	<p>To Whom it May Concern, We are homeowners in Arizona Silverado, and would like to voice our concern with this planned development. One of our main concerns involves parking. Our community already has an issue with a limited number of guest and overnight spots, and this was only made worse with the recent decision to prevent parking along the south side of Deer Valley Road. This problem will be exacerbated by cramming in 9 townhomes that provide a total of 18 parking spots for 9 homes (per page 5 of the Development Review Board Report). This is obviously insufficient and will cause issues for both residents of Arizona Silverado and the new community being proposed. We understand the need to turn a profit from the development side of things, but this plan puts financial interests before the residents of both communities. This move will only lead to tension between developments and could be remedied by decreasing the number of homes and providing those homes with reasonable guest parking. Another concern is the close proximity of the townhomes to the adjacent Arizona Silverado homes. Placing the proposed townhomes in the northwest corner of the</p>

<p>lot places them extremely close those homes, while leaving the south and east sides of the lot totally open. Again, if the intent is to minimize disturbance to Arizona Silverado this is clearly not the way to accomplish that. This brings numerous concerns such as outside lighting, pet noise, privacy issues, etc... The homes will be looking directly into each other's windows. Planting a few trees does not solve this problem and should not be considered a reasonable solution to the proximity issue. In summary, we have serious concerns about this proposal and object to shoehorning 9 townhomes in a corner of that small piece of land. We understand the desire to develop this land in the future, but it's key to do this in a reasonable way that will enhance the value of both the plot and the surrounding areas. The current proposal will seriously affect property values for the homes located adjacent to the new development, and cause other logistical issues for both new and current residents in this area. Thank you, Will LeSuer and Andrea Siemon</p>	
<p>Comments are limited to 8,000 characters and may be cut and pasted from another source.</p>	
<p><b>PLEASE PROVIDE YOUR NAME:</b></p>	
<p>First &amp; Last Name:</p>	<p>William LeSuer and Andrea Siemon</p>
<p><b>AND ONE OR MORE OF THE FOLLOWING ITEMS:</b></p>	
<p>Email:</p>	<p><a href="mailto:will6689@aol.com">will6689@aol.com</a></p>
<p>Phone:</p>	<p>(480) 282-1253</p>
<p>Address:</p>	<p>7500 E Deer Valley Rd Unit 27, Scottsdale 85255</p>
<p>Example: 3939 N. Drinkwater Blvd, Scottsdale 85251</p>	

**From:** [Dr. Michelle Otstot](#)  
**To:** [Development Review Board](#)  
**Subject:** Fwd: August 20th Development Review Board ZOOM Meeting  
**Date:** Thursday, August 20, 2020 8:38:40 PM  
**Attachments:** [Screenshot\\_20200818-173301.png](#)

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**External Email: Please use caution if opening links or attachments!**

----- Forwarded message -----

From: **Dr. Michelle Otstot** <[otstot12@gmail.com](mailto:otstot12@gmail.com)>  
Date: Thu, Aug 20, 2020 at 7:18 PM  
Subject: Re: August 20th Development Review Board ZOOM Meeting  
To: Murillo, Jesus <[JMurillo@scottsdaleaz.gov](mailto:JMurillo@scottsdaleaz.gov)>  
Cc: <[wlesuer@asu.edu](mailto:wlesuer@asu.edu)>, <[katelynaroser@gmail.com](mailto:katelynaroser@gmail.com)>, George Eldridge <[g.l.eldridge1@gmail.com](mailto:g.l.eldridge1@gmail.com)>, Carol Marsland <[cmarsland@cox.net](mailto:cmarsland@cox.net)>, <[ighatenyourlife@msn.com](mailto:ighatenyourlife@msn.com)>, <[sophia.estrada@russlyon.com](mailto:sophia.estrada@russlyon.com)>, <[kimoi7051@gmail.com](mailto:kimoi7051@gmail.com)>, <[charleskulish@gmail.com](mailto:charleskulish@gmail.com)>, <[hooah1@cox.net](mailto:hooah1@cox.net)>, <[audreybond@cox.net](mailto:audreybond@cox.net)>, <[deborahstec@hotmail.com](mailto:deborahstec@hotmail.com)>, <[sieman.andrea@gmail.com](mailto:sieman.andrea@gmail.com)>

Jesus,

I ask you to please forward my comments to the Review Board and provide my contact information. I am dissatisfied that we were not provided an honest, public meeting today regarding the proposed Deer Valley Townhomes. Our neighborhood was not provided accurate, up-to-date information about changes being made to the plans and inaccurate renderings of the project were submitted.

I do not understand how the public did not have an opportunity to review the changes that were being made this morning. We had no opportunity to provide public comment about the new design. If we had, I would have pointed out that the two townhomes to the west now have their front patios looking at 4 cars. And the two townhomes to the east have a front patio view of a dumpster. A dumpster! This is north Scottsdale! Not to mention that the plan is literally designed with a dumpster as the first object of view in the complex! How could we let a north Scottsdale neighborhood have a dumpster at the entry, right on a main road we all have to pass everyday? That is an awful eyesore to all of the surrounding neighbors!

In addition, the attached rendering is a misrepresentation. This drawing of the finished project makes it look like there is desert space behind the northwest corner of the townhome project. There is not. There are homes right there behind it- including my own. Fran's home on the corner has been eliminated from the rendering, making it look like lush, open desert space!

I am respectfully requesting the Review committee to recall the vote so that the public has the opportunity to rightfully:

- 1) review all of the information available about the project (including new design plans),
- 2) have public comments read aloud at the Zoom meeting, and
- 3) have renderings that accurately represent the neighborhood and not ones that provide the

facade of a less dense area.

Our community has been subjected to salespeople who are lying to us. Scott Ward told us in a 2019 email that the city denied a fence between the 2 residences, when in fact you told me that it was you who added the walkway for aesthetics between the two neighborhood. Scott also told us that there was 22 feet in front of the townhomes for parking, which is another lie. Additionally, It was absolutely dishonest for the architect to tell the Review Board today that he received a standing ovation from the neighbors. at the open house. This is absolutely not true. We were disgruntled, to the point that several discussions and emails took place with Scott Ward about the parking, fence, and density of the lot. Finally, it was also shady for staff to dance around the board member's question about enough room to park a truck. The answer was No, you cannot park a truck inside the garages or outside. There is not enough room!

I will wait to hear about next steps from you.

Michelle



On Thu, Aug 20, 2020 at 5:25 PM Murillo, Jesus <[JMurillo@scottsdaleaz.gov](mailto:JMurillo@scottsdaleaz.gov)> wrote:

Michelle,

The Board has the discretion to read the comments out-loud, or not. Mr. Brad Carr points out the emails as part of the Administrative Report.

I will be sending a communication to the Councilmember, Boardmembers, and Planning Commissioner that were present at the meeting notifying them of your request to contact them individually.

I will forward their information as they provide the details.

Sincerely,

Jesús

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**From:** Dr. Michelle Otstot <[otstot12@gmail.com](mailto:otstot12@gmail.com)>  
**Sent:** Thursday, August 20, 2020 4:12 PM  
**To:** Murillo, Jesus <[JMurillo@ScottsdaleAz.Gov](mailto:JMurillo@ScottsdaleAz.Gov)>  
**Subject:** Re: August 20th Development Review Board ZOOM Meeting

**⚠ External Email: Please use caution if opening links or attachments!**

Jesus,

What about the public comments that were to be read at the meeting? If we had been there in person those would have been part of the discussion? Why did we not hear the public comments submitted to the City of Scottsdale website?

I am respectfully requesting the contact information of the members of the Review Board.

Michelle

On Thu, Aug 20, 2020, 3:14 PM Murillo, Jesus <[JMurillo@scottsdaleaz.gov](mailto:JMurillo@scottsdaleaz.gov)> wrote:

Hello Michelle,

I have provided a screen shot of the Q&A portion of the meeting. This window is usually used for Q&A for technical issues that may occur during the DRB meeting. This the avenue the Boardmember chose to use to submit their vote.



I have also provided the link to staff's report, that shows public comments provided to the Board, at the time that the report was written. I have also provided, as an attachment, the memo that was provided to the Board prior to the meeting. As you will see, all the correspondence between you and I, and myself and Ms. Leslie Philips was attached to that memo. I wanted to point out to the Board that the changes in the stipulations came about because of our discussions.

During the "Administrative Report" portion of the hearing, Mr. Brad Carr reminded the Board of the emails that were sent by you and another resident directly to the Board.

**Link to staff's report for this particular case:**

[https://eservices.scottsdaleaz.gov/planning/projectsummary/dr\\_reports/DR\\_43\\_DR\\_2019.pdf](https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_43_DR_2019.pdf)

Screenshot of Boardmember Young's vote:



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**From:** Dr. Michelle Otstot <[otstot12@gmail.com](mailto:otstot12@gmail.com)>  
**Sent:** Thursday, August 20, 2020 1:53 PM  
**To:** Murillo, Jesus <[JMurillo@ScottsdaleAz.Gov](mailto:JMurillo@ScottsdaleAz.Gov)>  
**Subject:** Re: August 20th Development Review Board ZOOM Meeting

 **External Email: Please use caution if opening links or attachments!**

Jesus,

I am requesting a copy of the vote. Three members were opposed throughout the discussion



and suddenly we have a 'phantom' vote of yes? What is that?

In addition, we were not happy as neighbors at the last meeting and the architect portrayed it as if we were. That is not fair!

Plus you didn't answer the question about parking the truck. You cannot park a truck. I have a Dodge Ram and there is no way a truck could park in one of the 18 spots.

I am so disappointed in the way this was handled. I feel like my comments were never read as public comment in the meeting and I was gagged.

I will be writing to the members of the review committee directly.

Michelle Otstot

On Thu, Aug 20, 2020, 8:50 AM Murillo, Jesus <[JMurillo@scottsdaleaz.gov](mailto:JMurillo@scottsdaleaz.gov)> wrote:

Hello Everyone,

Forgive the mass email. I wanted to provide some information, and an update. I wanted to share that staff has removed the sidewalk requirement, leading to the Arizona Silverado community, and added a stipulation that the owner must construct a 6-foot wall separating the two developments. The amendment in the stipulations occurred due to further discussions.

I wanted to remind everyone that the emails that have been provided to staff were included in the DRB report.

Although, some have not requested further information or the link, I thought to include everyone.



I know I have sent several of you separate information and links, but I wanted to be sure you all had the same link the scheduled DRB hearing at 1:00 today.

<https://www.scottsdaleaz.gov/scottsdale-video-network/live-stream> You will be able to observe, but not participate.

The public will have until 12:00 today to submit comments for the hearing.

[DevelopmentReviewBoard@scottsdaleaz.gov](mailto:DevelopmentReviewBoard@scottsdaleaz.gov)

Sincerely,

Jesús



Sender notified by  
[Mailtrack](#)

**From:** [DevelopmentReviewBoard@scottsdaleaz.gov](mailto:DevelopmentReviewBoard@scottsdaleaz.gov)  
**To:** [Berry, Melissa](#)  
**Subject:** Development Review Board Public Comment (response #108)  
**Date:** Thursday, August 20, 2020 8:19:37 AM

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## Development Review Board Public Comment (response #108)

### Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Development Review Board Public Comment
URL:	<a href="https://www.scottsdaleaz.gov/boards/development-review-board/public-comment">https://www.scottsdaleaz.gov/boards/development-review-board/public-comment</a>
Submission Time/Date:	8/20/2020 8:17:32 AM

### Survey Response

COMMENT	
	<p>To Whom It May Concern, The neighbors of Arizona Silverado and the surrounding Grayhawk area have been diligently watching the progression of the Deer Valley Townhomes development. There are several reasons why we are contesting this development. The first reason is that the development is designed with little to no additional parking per townhome. Scott Ward has told the neighbors that each townhome would have 22 ft of parking outside of each garage. This is erroneous and just salesmanship. According to Jesus Murillo from the city of Scottsdale, there is 28 ft between buildings ,of which 24 ft is reserved for fire lane. This means the only additional parking on the parcel are the two spaces for visitors. When any of the residents choose to have just one person visit, immediately they will come in conflict with parking. Our neighborhood already has a parking issue. We recently had signs posted outside of our neighborhood to stop the overage of parking in the desert lot across from our neighborhood on Deer Valley Road. Having the guests of the Deer Valley Townhomes attempt to park in our neighborhood would be a nuisance and will not be tolerated. We</p>



Comment:

have a system for towing vehicles and it will be utilized should this occur. This leads to the second reason why we are contesting the development. Currently the plans outline a sidewalk that links the Arizona Silverado neighborhood with the Deer Valley Townhome parcel. This sidewalk invites the residents of the Deer Valley Townhomes into our private neighborhood. We are not interested in sharing our amenities and parking with the new residents. We pay a homeowner's fee for our private neighborhood. If the plans are approved we are asking for the removal of the sidewalk and a fence or wall to be developed to separate our private neighborhood. The third reason we are contesting this development is that it is a monstrous development on a tiny parcel. Just recently we received the renderings of the development from a bird's eye view. The development is way too large for that parcel. It literally will diminish the value of our homes to have townhomes butt up to our residences in such a close manner. In addition, the new residents of the Deer Valley Townhomes would be looking right into our bedroom bathrooms or, at ground level, right into a wall in their front yard. It is a terrible design for both parties. I was asked recently, well, if you can't beat them, why not join them? Certainly a low price townhome in North Scottsdale would be attractive for purchase. However, my answer is simple. I wouldn't buy one of these townhomes if you beg me. Why would anyone purchase a townhome that has no parking, no amenities, is not gated, has no view, and will be priced the same as other residences that have all of these just a few blocks away? It's a ridiculous plan. Of course, I am not one to complain without a proposed solution. If the potential buyers are smart enough to back out of this purchase, I would like to see the homeowners association of Arizona Silverado consider the parcel for our own neighborhood. This would allow us to build a community pool and/or clubhouse to be used for our own residences. This would increase our values of our homes and eliminate the potential of a disastrous looking structure butting up to our homes.

	<p>I am more than happy to extend this conversation to the powers that be. Please feel free to contact me at 480-227-4337. Dr. Michelle Otstot Arizona Silverado #20</p>
<p>Comments are limited to 8,000 characters and may be cut and pasted from another source.</p>	
<p><b>PLEASE PROVIDE YOUR NAME:</b></p>	
First & Last Name:	Michelle Otstot
<p><b>AND ONE OR MORE OF THE FOLLOWING ITEMS:</b></p>	
Email:	<a href="mailto:otstot12@gmail.com">otstot12@gmail.com</a>
Phone:	(480) 227-4337
Address:	7500 East Deer Valley Road, Unit 20
<p>Example: 3939 N. Drinkwater Blvd, Scottsdale 85251</p>	





# Affidavit of Posting

Office of the City Clerk

STATE OF ARIZONA           )  
  )  
COUNTY OF MARICOPA    )

ss

I, Agustin Sanchez, being first duly sworn, depose and say:

That on August 12, 2020, I posted notification poster(s) for the properties indicated below.

Site(s) must be posted on or before: **August 12, 2020**

Case No.	Description and Location of Project	No. of Signs	Date Posted
43-DR-2019	Deer Valley Townhomes, 21818 N Miller Rd	1	8/12/20
2-PP-2020	Happy Valley 18, E Happy Valley Rd & N Alma School Rd	1	8/12/20

Date of Development Review Board Public Meeting: August 20, 2020, AT 1:00 P.M. IN THE CITY HALL KIVA, SCOTTSDALE, ARIZONA.

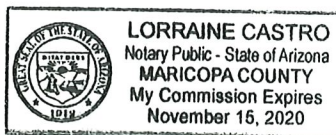
[Signature]

(Signature)

Acknowledged this 12<sup>th</sup> day of August 2020.

[Signature]  
(Notary Public)

My commission expires 11/15/2020



## Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



Current Planning Services  
Long Range Planning Services

**NOTICE OF INSPECTION RIGHTS**  
**A.R.S. § 9-833**

**You have the right to:**

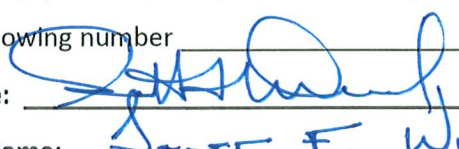
- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
  - Receive copies of any documents taken during the inspection.
  - Receive a split of any samples taken during the inspection.
  - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

**You are hereby notified and informed of the following:**

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, \_\_\_\_\_  
at the following number \_\_\_\_\_.

Signature:  Date: 8.12.2019  
Printed Name: Scott F. Ward

☐ Check box if signature refused

Copy of Bill of Rights left at: \_\_\_\_\_



A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
  - 1. Present photo identification on entry of the premises.
  - 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
  - 3. Disclose any applicable inspection fees.
  - 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
  - 5. Provide notice of the right to have:
    - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
    - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
    - (c) Copies of any analysis performed on samples taken during the inspection.
  - 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
  - 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
  - 1. The rights described in subsection A of this section.
  - 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
  - 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
  - 1. At the time of the inspection.
  - 2. Notwithstanding any other state law, within thirty working days after the inspection.
  - 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
  - 1. Committed intentionally.
  - 2. Not correctable within a reasonable period of time as determined by the municipality.
  - 3. Evidence of a pattern of noncompliance.
  - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
  - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
  - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
  - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
  - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
  - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
  - 1. Shall not be used to exclude evidence in a criminal proceeding.
  - 2. Does not apply to a municipal inspection that is requested by the regulated person.

**From:** [Will Barnow](#)  
**To:** [Projectinput](#)  
**Cc:** [kathy@kathylittlefield.com](mailto:kathy@kathylittlefield.com)  
**Subject:** 43-DR-2019  
**Date:** Saturday, September 14, 2019 9:30:29 AM

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External Email: Please use caution if opening links or attachments!

We oppose this project. The original intent and zoning of the property is adequate and needed. As the are fills in with additional higher density housing and commercial residential there will be even greater need for grocery stores. Furthermore we would like to be able to walk to this store. Currently we can't easily walk to retail. Why not wait until all of the existing housing is completed before rezoning our original plan?

Thanks,  
Will and Allison barnow  
7685 e via del sol dr  
Scottsdale AZ 85255

Sent from my iPhone



**From:** [Ruenger, Jeffrey](#)  
**To:** [Murillo, Jesus](#); [Berry, Melissa](#)  
**Subject:** FW: Case #43-DR-2019  
**Date:** Tuesday, September 10, 2019 9:33:08 AM

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**From:** Jim Kendra <tractorjk@yahoo.com>  
**Sent:** Monday, September 09, 2019 6:59 PM  
**To:** Projectinput <Projectinput@Scottsdaleaz.gov>  
**Subject:** Case #43-DR-2019

 **External Email: Please use caution if opening links or attachments!**

Jesus

This is a bad location for these townhouses their two stories houses will be right next too the townhouses so the houseswill be looking out their windows at the townhouses, to close to corner for traffic, big ditch by the corner, noises to disturb the houses and traffic noise this is a bad idea.

Thank you

Jim Kendra

[Sent from Yahoo Mail on Android](#)

**From:** [leslie.phillips@managementtrust.com](mailto:leslie.phillips@managementtrust.com)  
**To:** [Acevedo, Alex](#)  
**Subject:** AZ Silverado and the project at Miller and Deer Valley Road  
**Date:** Monday, March 30, 2020 11:03:27 AM

**External Email: Please use caution if opening links or attachments!**

City of Scottsdale



Hello, I am the community Manager of AZ Silverado HOA. The plans for the development are calling for a sidewalk leading into the AZ Silverado HOA private property. This neighborhood is private and the access is forbidden. I can see where the City of Scottsdale should be able to access that small connection, but others may not. The homeowners of AZ Silverado pay a fee each month to maintain their park and playground. Please have them rewrite their plan. -- sent by Leslie Phillips, AZ Silverado HOA (case# 43-DR-2019)

City of Scottsdale



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**From:** [Eric](#)  
**To:** [Projectinput](#)  
**Subject:** Scottsdale Project #43-DR-2019  
**Date:** Sunday, September 08, 2019 11:43:18 AM

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**External Email: Please use caution if opening links or attachments!**

Good Afternoon -

I received a post card about the townhome project at 21818 N. Miller Road.

As a homeowner in the adjacent neighborhood, Arizona Silverado, I wanted to provide feedback on one point of contention in the plans for this development.

The site plans all show an internal connecting sidewalk between the new townhomes and Arizona Silverado, at the northwest corner of townhome lot.

In normal circumstances (public street/sidewalk), this may be acceptable, however, the streets and sidewalks in Arizona Silverado are privately owned and in no way is it appropriate for another property to connect to those private areas. These private roads and sidewalks are funded by the HOA dues of homeowners in Arizona Silverado and connecting them to a property that is not part of the HOA is completely inappropriate.

There is already great concern from Arizona Silverado over the use of guest parking and "green space" areas by the occupants of the townhomes, as the new townhomes will have neither - large green spaces or adequate guest parking (I understand the City of Scottsdale regulations have been met, in regards to parking, however, to expect that not a single townhome occupant will have more than 2-3 guests at a time in separate vehicles is not realistic).

Adding this sidewalk is just inviting unauthorized use of the Arizona Silverado property by the townhome occupants - who are not providing any funds to support the upkeep of those areas. In addition, there is a potential for added liability to Arizona Silverado if the townhome occupants or guests are injured on the Arizona Silverado property that is planned to be connected by a sidewalk.

I am happy to discuss further.

Thank you,

Eric and Christina Radcliffe  
7500 E Deer Valley Road, 65  
Scottsdale, AZ. 85255

Phone: 480-291-2648



**From:** [sandymcneal111@gmail.com](mailto:sandymcneal111@gmail.com)  
**To:** [Acevedo, Alex](#)  
**Subject:** CASE 43-DR-2019 - DEER VALLEY TOWNHOMES 21818 N. Miller Road  
**Date:** Monday, August 26, 2019 2:48:26 PM

**External Email: Please use caution if opening links or attachments!**

[City of Scottsdale](#)



I live just east of the proposed townhomes. I am opposed to anything going into that corner. First of all it's a small property and we don't need anymore homes, apartments or townhouses in this area. It is congested enough. The City Council and Planning Board need to start thinking about what they are approving. We moved to this area 21 years ago, because of remote area without a lot of traffic, now it is getting over built. Sandra McNeal -- sent by Sandra McNeal (case# 43-DR-2019)

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# Request for Site Visits and/or Inspections

## Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 628-PA- 2016

Project Name: Deer Valley Town Homes

Project Address: 21818 N. Miller Road, Scottsdale, AZ 85255

### STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

### STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: \_\_\_\_\_

Scott F. Ward

Print Name

[Signature]

Signature

### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

### Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)



Current Planning Services  
Long Range Planning Services

**NOTICE OF INSPECTION RIGHTS**  
**A.R.S. § 9-833**

**You have the right to:**

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
  - Receive copies of any documents taken during the inspection.
  - Receive a split of any samples taken during the inspection.
  - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

**You are hereby notified and informed of the following:**

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, \_\_\_\_\_  
at the following number \_\_\_\_\_.

Signature:  Date: 8.12.2019

Printed Name: Scott F. Ward

☐ Check box if signature refused

Copy of Bill of Rights left at: \_\_\_\_\_



A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
1. Present photo identification on entry of the premises.
  2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
  3. Disclose any applicable inspection fees.
  4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
  5. Provide notice of the right to have:
    - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
    - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
    - (c) Copies of any analysis performed on samples taken during the inspection.
  6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
  7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
1. The rights described in subsection A of this section.
  2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
  3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
1. At the time of the inspection.
  2. Notwithstanding any other state law, within thirty working days after the inspection.
  3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
  - 1. Committed intentionally.
  - 2. Not correctable within a reasonable period of time as determined by the municipality.
  - 3. Evidence of a pattern of noncompliance.
  - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
  - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
  - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
  - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
  - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
  - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
  - 1. Shall not be used to exclude evidence in a criminal proceeding.
  - 2. Does not apply to a municipal inspection that is requested by the regulated person.